

S.D.N.Y.-N.Y.C.
15-cv-5348
Buchwald, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of April, two thousand nineteen.

Present:

Rosemary S. Pooler,
Denny Chin,
Circuit Judges,
Eric N. Vitaliano,*
District Judge.

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| USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: Apr 02 2019 |
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Joseph Frye,

Plaintiff-Counter-Defendant-Appellee,

v.

18-2148

Benjamin F. Lagerstrom, AKA Benjamin Irish,

Defendant-Counter-Claimant-Appellant,

v.

Andrea Simon, et al.,

*Third Party Defendant-
Counter Defendant-Appellees,*

CBS INC./SHOWTIME, et al.,

Counter Defendant-Appellees,

Dianacollv, Inc., et al.,

Defendants.

* Judge Eric N. Vitaliano, of the United States District Court for the Eastern District of New York, sitting by designation.

Benjamin F. Lagerstrom, pro se, moves for a stay pending appeal. Upon due consideration, it is hereby ORDERED that the motion is DENIED. See *In re Nassau Cty. Strip Search Cases*, 783 F.3d 414, 417 (2d Cir. 2015) (explaining that “an appellant is entitled to a stay pending appeal by posting a supersedeas bond”) (internal quotation marks omitted); *In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007) (explaining that the court considers four factors in deciding whether to issue a stay: whether the stay applicant (1) “has made a strong showing” of likely success on the merits; (2) “will be irreparably injured absent a stay”; (3) “whether the issuance of the stay will substantially injure . . . other parties”; and (4) “where the public interest lies”; and that “more of one factor excuses less of the other”) (internal quotation marks and alterations omitted). The appeal will proceed in the ordinary course.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court



A True Copy

Catherine O’Hagan Wolfe, Clerk

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United States Court of Appeals, Second Circuit

